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TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 74, Amdt. 3]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 3 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment makes certain clarifying changes and corrections of a minor nature in CPR 74.

1. This amendment adds a new paragraph to section 5 permitting multi-plant processors of dried pork and specialty pork products to file their OPS Public Form 94, as well as any other required information, for their plant located in or nearest the base zone. Since each processing plant is a separate seller under the regulation, the multi-plant processor has had to file separately for each plant. This amendment will relieve such processors from the burden of filing numerous applications for the same product.

2. Certain clarifying corrections have been made in the definitions of the following pork products: Shoulders, skinned, boneless; fat back; Grade C sliced bacon: Canned whole hams, skinless; Canned whole hams, pear-shaped (Polish style with shank collar); Canned whole picnics; and Hams, shankless.

CONCLUSIONS

All standards prescribed in this amendment were, prior to the issuance of the amendment, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork since no practicable alternative to such standardization exists for securing effective price control of pork. It is not believed that this amendment will cause any substantial changes in business practice; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

In view of the beneficial and corrective nature of this amendment, the Director of Price Stabilization has not found is necessary or practicable to consult with industry representatives, including trade association representatives.

In the judgment of the Director, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 5 is amended by adding a new paragraph (d) as follows:

(d) On or after May 13, 1952, if you are currently producing any dried (other than aged, dry cured) pork or specialty pork product which you produced and sold in 1950, or if you desire to produce and sell any dried (other than aged, dry cured) pork or specialty pork product at one or more plants, you need only file the information required by paragraphs (a) and (b) of Section 5, including OPS Public Form 94, for your plant which is producing that product, which is located in or nearest to Zone 1. You need not file such information or form for any of your other plants producing the same identical product. If you have filed an application under this section prior to May 13, 1952, you need not refile for the same product.

2. Section 14 (c) entitled *Failure to designate class of buyer or seller*, as added by Amendment 2, is deleted.

3. Appendix 2 (c) (15) is deleted and the following substituted therefor:

(15) *Shoulders, skinned, boneless*, means shoulders as defined in Appendix 2 (c) (14), except that all bone shall be removed therefrom.

(Continued on p. 4255)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

4. Appendix 2 (c) (24) is deleted and the following substituted therefor:

(24) *Fat back* means the fat and skin covering the back of a hog lying over the pork loin. The ends must be trimmed reasonably square and the fat must be free of ragged edges.

5. Appendix 2 (c) (39) is deleted and the following substituted therefor:

(39) *Grade C sliced bacon* means bacon sliced from cured and smoked whole bellies, from which the rind has been removed, in whole slices not over 3½ inches or less than ¾ inch in width, containing no more than two part slices to the pound.

6. Appendix 2 (c) (51) is amended by deleting the number (55) and substituting the number (51) so as to read as follows:

(51) *Blade meat* means meat removed from the outer side (ridged side) of the blade bone and having not in excess of 5 percent trimmable fat.

7. Appendix 2 (c) (72) is deleted and the following substituted therefor:

(72) *Canned whole ham, skinless* means a cured whole ham packed in a hermetically sealed tin container. The ham shall be completely skinned, boned, and the external fat shall be trimmed to within ½ inch of the lean. The ham shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

8. Appendix 2 (c) (73) is deleted and the following substituted therefor:

(73) *Canned whole ham, pear-shaped (Polish style with shank collar)*, means a cured whole ham packed in a hermetically sealed, pear-shaped tin container. The ham shall be completely skinned except that such ham may have a shank collar not exceeding 7 percent of the weight of the ham. The ham shall be completely boned, and the external fat not covered by the skin shall be trimmed to within ½ inch of the lean. The ham shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

9. Appendix 2 (c) (75) is deleted and the following substituted therefor:

(75) *Canned whole picnics* means a cured whole picnic packed in a hermetically sealed tin container. The picnics shall be short shanked, completely skinned, boned, and the external fat shall be trimmed to within ½ inch of the lean. The ham shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

10. Appendix 2 (c) (116) is deleted and the following substituted therefor:

(116) *Hams, shankless* means regular or skinned hams from which the shank (hock) has been cut off not more than 3 inches below the stifle joint (toward the foot).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment shall become effective on May 13, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 8, 1952.

[F. R. Doc. 52-5263; Filed, May 8, 1952; 10:52 a. m.]

[Ceiling Price Regulation 97, Amdt. 6]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

ADDITION OF ACCREDITED SCALERS AND GRADERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order No. 2, and Delegation of Authority No. 30, this Amendment 6 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation No. 97 carries out the intention expressed in section 19 by adding to Appendix A a log scaling and grading bureau, certain employees thereof, employees of previously accredited log scaling and grading bureaus, and individual scalers and graders who have been found qualified by the Regional Director of Region 13 to scale and grade logs subject to the regulation.

The log scaling and grading bureau and the persons accredited by this amendment have submitted the information and statements required under section 19. The Regional Director of Region 13 has requested the appropriate log scaling and grading bureaus named in this section to examine into the qualifications of each applicant. The Regional Director has evaluated whatever findings were made by the appropriate bureau, has considered whatever other information has been brought to his attention, and is of the opinion that each applicant is qualified for listing as an accredited scaler and grader.

This amendment also deletes from paragraph (b) of Appendix A two accredited employee scalers for the reason that such scalers have become employed by log buyers and sellers; and deletes from paragraph (c) of Appendix A two individual scalers and graders who, by this amendment, are listed in subparagraph (10) of paragraph (b) of Appendix A to Ceiling Price Regulation 97.

In the formation of this Amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is hereby amended in the following respects:

1. Paragraph (a) of Appendix A is amended by inserting the name "Handler & Schneider Log Scaling and Grading Bureau" immediately after the name "Grays Harbor Log Scaling and Grading Bureau."

2. Subparagraph (1) of paragraph (b) of Appendix A is amended by deleting the name "Williams, Henry A." therefrom.

3. Subparagraph (1) of paragraph (b) of Appendix A is amended by inserting the name "Hardie, James C." immediately after the name "Hales, John F."; inserting the name "Henningsen, Theodore O." immediately after the name "Hayman, Merton F."; inserting the name "Hosey, David A." immediately after the name "Hokema, Tom D."; and inserting the name "Johnson, Norman Donald" immediately after the name "Johnson, Mark A."

4. Subparagraph (3) of paragraph (b) of Appendix A is amended by inserting the name "Babcock, Vernon L." immediately preceding the name "Belloni, Allessio"; and inserting the name "Jepsen, Vernon N." immediately after the name "Emery, Quincy P., Jr."

5. Subparagraph (4) of paragraph (b) of Appendix A is amended by deleting the name "Ditto, R. J." therefrom.

6. Subparagraph (5) of paragraph (b) of Appendix A is amended by deleting the name "Berline, Edgar O." therefrom.

7. Subparagraph (5) of paragraph (b) of Appendix A is amended by inserting the name "Blomgren, George V." immediately after the name "Blakely, V. L."; inserting the name "Flynn, Harry" immediately after the name "Crawford, Elmer B."; and inserting the name "Lees, George Edward" immediately after the name "Lees, Clyde W."

8. Subparagraph (8) of paragraph (b) of Appendix A is amended by inserting the name "Williams, Henry A." immediately following the name "Cain, Leonard E."

9. Paragraph (b) of Appendix A is amended by adding a subparagraph reading as follows:

10. Handler & Schneider Log Scaling and Grading Bureau employees:
Handler, Joseph F., Jr.
Schneider, A. V.

10. Paragraph (c) of Appendix A is amended by deleting the name "Handler, Joseph F., Jr., Portland, Oregon" and the name "Schneider, A. V., Portland, Oregon" therefrom.

11. Paragraph (c) of Appendix A is amended by inserting the name "Johnson, Lawrence, Eureka, California" immediately after the name "Garland, James E., Corvallis, Oregon."

(Sec 704 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to Ceiling Price Regulation 97 is effective May 8, 1952.

JOHN L. SALTER,
Regional Director, Region 13, Office of Price Stabilization.

MAY 8, 1952.

[F. R. Doc. 52-5264; Filed, May 8, 1952; 10:52 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 11—Revocation]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 11—RESTRICTIONS ON STEEL SHIPMENTS AND ACCEPTANCE OF DELIVERIES

Direction 11 (17 F. R. 3852) to CMP Regulation No. 1 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 11 to CMP Regulation No. 1, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective May 8, 1952.

NATIONAL PRODUCTION AUTHORITY
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-5291; Filed, May 8, 1952; 12:10 p. m.]

Chapter XIV—General Services Administration

[Amdt. 1]

MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

REQUIREMENT IN PROGRAM A

Pursuant to the authority vested in me by the Defense Materials Procurement Administrator in delegation of authority dated March 12, 1952,[1] this regulation[2] is amended by deleting the third paragraph of paragraph (b), section 4 and substituting therefor the following paragraph: "Each lot of block or film mica must contain not less than 20 percent good stained or better quality."

This Amendment 1 shall be effective as of March 12, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2154. Interprets or applies sec. 303, 64 Stat. 801, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2093; secs. 201, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789)

Dated: May 5, 1952.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 52-5209; Filed, May 8, 1952; 8:51 a. m.]

Chapter XV—Federal Reserve System

[Regulation W]

REG. W—CONSUMER CREDIT

SUSPENSION OF REGULATION

1. Effective May 7, 1952, Regulation W (formerly Part 222 of Title 12) is suspended.

2. a. The suspension of Regulation W was under the authority of section 5 (b) of the act of October 6, 1917, as amended, U. S. C., Title 50, App. sec. 5 (b); Executive Order No. 8843, dated August 9, 1941; and the "Defense Production Act of 1950", as amended, particularly section 601 thereof.

b. The suspension of Regulation W was adopted by the Board after consideration of all relevant matter, including the recommendations received from time to time in consultations with industry and trade association representatives. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

[1] 17 F. R. 2291.
[2] 17 F. R. 2279.

(Sec. 5, 40 Stat. 415, as amended, sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-5255; Filed, May 8, 1952; 10:05 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUPART A—REGISTRATION AND RESEARCH

SPECIAL CONSIDERATIONS CONCERNING PURSUIT OF EDUCATION OR TRAINING AFTER STATUTORY DELIMITING DATE

In § 21.36, new paragraphs (c), (d), and (e) are added as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date.* * * *

(c) *Effect of active service upon pursuit of education or training after the statutory delimiting date.* (1) In the case of any veteran who has initiated his course of education or training, whose conduct and progress in such course have been satisfactory, and who is prevented by reason of reentrance into active service with the Armed Forces from resuming education or training on or before July 25, 1951, or the date 4 years subsequent to his discharge, whichever is later, it will be held that such veteran's education or training has been interrupted for reasons beyond his control and he will be permitted to resume education or training within a reasonable period following his release from active service whether such release is before, on, or after the statutory delimiting date applicable in his case. Any veteran so circumstanced will be permitted to resume education or training after his release from active service in the same course or in a course which would have been proper for approval under the regulations in effect at the time he reentered the active service. However, as to any veteran who timely initiated his course, or who continues or resumes his course of education or training while in the active service, his pursuit of education or training thereafter will be governed by the provisions of the applicable regulations in the same manner as if he had not reentered the active service, that is, the pursuit of education or training in his case on or prior to the applicable delimiting date will be governed by the provisions of regulations applicable on or prior to such delimiting date, and subsequent to that date by the provisions of § 21.35 and all other regulations applicable after his delimiting date.

(2) In the case of any veteran who has initiated his course of education or training, whose progress in such course was not satisfactory at the time he interrupted or discontinued his training and who, prior to July 25, 1951, or the date 4 years subsequent to his discharge, whichever is later, reentered active service with the Armed Forces, a resumption of his course of education or training within a reasonable period following his release from active service will be permitted under the following conditions:

(i) The veteran establishes that his failure to make satisfactory progress was not due to his own misconduct, his own neglect, or his own lack of application; and

(ii) The course to which the veteran desires to change is more in keeping with his aptitudes, previous education, training, or other such pertinent facts.

(3) For the purposes of subparagraphs (1) and (2) of this paragraph, a reasonable period of time within which a veteran may be permitted to resume education or training following his release from active service will be determined in the light of the circumstances obtaining in each individual case, recognizing that periods of time intervening release from active service and resumption of education or training will necessarily vary depending upon the type of training involved, its availability, conditions under which training must be pursued, and other factual and controlling circumstances. Sound judgment must be exercised in considering the circumstances in each case to insure reasonable, fair, and equitable determination.

(d) *Continuous pursuit of education or training; § 21.35 (c).* (1) A school teacher who is regularly employed by an educational institution, who continues regular employment as a teacher throughout successive regular school years, and who pursues education or training during successive regular summer sessions of not less than 5 weeks in length, which courses lead to an academic degree, will be held to be in continuous pursuit of education or training. To establish the cycle of employment as a teacher and summer school study under the conditions of this provision, a veteran must pursue his degree course during the regular summer session immediately preceding the regular school year in which he expects to be, and does become employed as a teacher: *Provided*, That under the provisions of this subparagraph a veteran-teacher who has thus established and continued to maintain the prescribed cycle of employment as a teacher and summer school study on or prior to the statutory delimiting date applicable in his case will be held to have satisfied the requirement of § 21.35 (b) without regard to whether such delimiting date falls within the "teacher-employment" or summer study phase of his pursuit of education training. This comprehends only those persons who are employed by and in an educational institution wherein students are enrolled for the purpose of receiving instruction, and where such persons are engaged in actual classroom instruction or have responsibilities for instructional policy, supervision, or administration in connection with the instructional program of the educational institution in which they are employed.

(2) In any case where a veteran, who has successfully completed his premedical, predental, preosteopathic, or pre-

veterinary course before, on, or after the statutory delimiting date applicable in his case, establishes the fact that he has been an applicant each year after completion of his preprofessional course for enrollment in a medical, dental, osteopathic, or veterinary course, the period intervening the completion of the preprofessional course and the date of enrollment following first acceptance of him by an accredited college of medicine, dentistry, osteopathy, or veterinary medicine will be held to be a period of interruption for a valid reason: *Provided*, The veteran enrolls in the professional school offering the course for which he has completed his preprofessional study at the first time enrollment of students is permitted in his professional course following the first acceptance of him by the college or university in which he elects to pursue his course.

(3) (i) Enrollment on or before the statutory delimiting date in a course to be pursued solely by correspondence study will constitute the initiation of that course only. Accordingly, after the applicable delimiting date, a veteran who is pursuing a course solely by correspondence study may not thereafter change to a course to be pursued by residence study.

(ii) Where a veteran requests on or prior to the applicable delimiting date a special course to be pursued solely by correspondence study, in a profit or nonprofit institution, which course consists of multiple subjects as contemplated by § 21.52 (c) the institution must certify to the Veterans Administration the names or titles of all the subjects comprising the veteran's course. The study of a subject comprising a part of such course must be initiated on or prior to the applicable delimiting date and the additional subjects comprising the course may be pursued consecutively after the applicable delimiting date.

(iii) Where a veteran requests a degree course to be pursued solely and completely by correspondence study in an institution of higher learning, the individual subjects comprising the course may be pursued consecutively: *Provided*, That on or prior to the applicable delimiting date, the institution certifies to the Veterans' Administration the name of the degree course and the veteran timely initiates any one of the subjects to be pursued for credit toward his degree objective.

(e) *Normal progression.* "Normal progression" for the purpose of § 21.35 (e) (3) involves additional education or training which constitutes a true advancement or progression to a higher level of knowledge and/or skills where, ordinarily or normally, the satisfactory completion of the one course is essential for enrollment in and successful pursuit of the other course. Accordingly, where a veteran requests additional education or training to be pursued following the completion of a course after the applicable statutory delimiting date, the additional education or training applied for will be held to constitute a normal progression and will be approved in any case where completion of the course being pursued is, as a matter of recognized custom and practice within the area where the training is pursued, a determined prerequisite to enrollment in and pursuit of the course being applied for. Any case considered to represent a true advancement or progression, but wherein it cannot be established that the one course is a determined prerequisite for the other, will be submitted to the assistant administrator for vocational rehabilitation and education for determination.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective May 9, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-5207; Filed, May 8, 1952; 8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

APPORTIONMENT OF SUBSISTENCE ALLOWANCE NOT AUTHORIZED

Section 21.91 is revised to read as follows:

§ 21.91 *Apportionment of subsistence allowance not authorized.* Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife unknown, and all reasonable means to locate the wife have been unsuccessful, or where she states in writing that she desires no share of the award, or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, or where it has been determined that she is living with another man in the reputed relationship of husband and wife, there will be no apportionment, and no additional subsistence allowance shall be payable on her account. (Also see § 3.312 of this chapter.)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective May 9, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-5206; Filed, May 8, 1952; 8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

SPECIALIZED RESTORATIVE TRAINING COURSE

In § 21.201 (d), a new subparagraph (6) is added as follows:

§ 21.201 *Types of courses.* * * *

(d) *Specialized restorative training course.* * * *

(6) Courses of specialized restorative training pursued under subparagraph (3), (4), or (5) of this paragraph will be limited to the minimum period necessary to accomplish the purpose stated in the applicable subparagraph, but will not exceed 6 months in length except where special authorization is obtained in advance from central office, and then only where the necessity for exceeding 6 months is shown to be justified, accomplishment of the purpose is assured by the excess and it is clearly shown why the necessary services cannot be obtained as medical treatment through the medical division in accordance with subparagraph (1) (iv) of this paragraph.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective May 9, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-5205; Filed, May 8, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 927]

[Docket No. AO-241]

HANDLING OF MILK IN NEW YORK—NEW JERSEY METROPOLITAN MARKETING AREA

PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Robert Treat, Newark, New Jersey on June 2, 1952 beginning at 10:00 a. m., e. d. s. t., and of such other places and times as the Presiding Officer may determine.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the New York-New Jersey metropolitan milk marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area.

Factors and considerations leading to the issuance of this notice include the

submission by producer organizations[1] of a proposal to amend the Federal Order No. 27 regulating the handling of milk in the New York metropolitan milk marketing area by expanding the marketing area to include certain additional territory in Northern New Jersey, and the submission of proposals by other producer organizations[2] to amend such order (No. 27) by establishing the same price for milk disposed of outside the marketing area (Class I–C milk) as is established for milk disposed of within the marketing area (Class I–A milk).

After investigation and consideration of such proposals, it has been concluded that the most effective means of considering the marketing and regulatory problems presented by them is to hold a public hearing on a new marketing agreement and order for a New York-New Jersey metropolitan marketing area.

The proposed area in which the handling of milk is proposed to be regulated by a marketing agreement and order consists of the following: All territory within the boundaries of the city of New York, the counties of Nassau, Suffolk (except Fisher's Island), Westchester and Rockland, all in the State of New York, the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Sommerset, Sussex, Union, Warren, and Ocean, all in the State of New Jersey, together with all piers, docks, and wharves connected therewith and all crafts moored thereat, and including territory within such boundaries which is occupied by government (Municipal, State, Federal, or International) reservations, installations, institutions or other establishments.

Evidence will be received at this hearing with respect to the need and justification for a marketing agreement and order to regulate the handling of milk in all or a part of the proposed new marketing area, and also with respect to the terms and provisions the marketing agreement and order should contain, such as identification of the milk to be regulated; classification of milk; minimum class prices and payments to producers including in each instance differentials reflecting differences in the grade or quality of milk and the location at which delivery is made, and other authorized adjustments in prices and payments; regulation of unpriced milk entering the marketing area; pricing of milk sold outside the marketing area; the method of pooling to be employed in connection with payments to producers; payments to cooperative associations; selection and authority of an agency to administer provisions of the proposed marketing agreement and order; the rate of the assessment to cover the cost of its administration; and such other provisions as may be considered to be incidental and necessary to effectuate other provisions of the order. Typical milk marketing orders containing provisions covering these various categories may be found in Part 900 of the Code of Federal Regulations.

The Secretary of Agriculture has not approved the issuance of a marketing agreement and order for the proposed marketing area, nor has he approved any provisions of a marketing agreement and order for such an area.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 6, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-5171; Filed, May 8, 1952; 8:47 a. m.]

[1] Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., Eastern Milk Producers Cooperative Association, Inc., Mutual Cooperative of Independent Producer, Inc., and Tri-State Milk Producers Cooperative, Inc.

[2] United Milk Producers of New Jersey, Northern Cooperative, Inc., and Maine Dairymen's Association, Inc.

[7 CFR Part 932]

[Docket No. AO-33-A18]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Wayne, Indiana, on December 4, 1951, pursuant to notice thereof which was issued on November 27, 1951 (16 F. R. 12099).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on March 24, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision which included notice of opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on March 27, 1952 (17 F. R. 2675).

Within the period reserved therefor an exception to the recommended decision was filed by a handler. Exception was taken to the proposed amendment which would establish an obligation to be paid by handlers on other source milk disposed of outside of the marketing area and classified as Class I milk. The exceptor suggested that this obligation of a handler be applicable only to a volume of Class I other source milk which, when combined with the volume of producer milk received by a handler and classified as Class I, equals the total volume of producer milk received by such handler. The record upon which this decision is based does not contain sufficient evidence to justify the adoption of this suggestion; therefore it cannot be adopted on the basis of this record. Accordingly the exception is denied.

The material issues of record related to:

(1) The requirements to be met in order for a plant to be a pool plant and thus be fully subject to the pricing and payment provisions of the order;

(2) Whether milk transferred from a nonpool plant operated by a cooperative association to a pool plant should be considered as producer milk or other source milk;

(3) The substitution of the average wholesale price of cheese at Wisconsin primary markets for the price of cheese presently used in computing the basic formula price; and

(4) Handler's obligations on other source milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) *Pool plant requirements.* The present requirements which must be met in order for a plant to be a pool plant and thus be fully subject to the pricing and payment provisions of the order became effective on November 1, 1951. The last month for which the record contains data on receipts and utilization of milk is October 1951. Therefore appraisal of the present requirements cannot be made from this record on the basis of operating experience. The evidence in this record is not sufficient to support a conclusion different from the one made when the present requirements were promulgated. The adequacy of the requirements can be better appraised after they have been in effect for a period of time. No change should be made in these requirements at this time.

(2) *Producer milk.* Milk transferred from a nonpool plant operated by a cooperative association to a pool plant should be considered to be producer milk if the operators of the two plants mutually indicate to the market administrator in writing on or before the 7th day after the end of the delivery period during which the transfer occurred their desire that such milk be considered as producer milk, and if the transferring plant had received during that delivery period an amount of producer milk equal to or greater than the amount of producer milk so transferred.

Several handlers obtain substantially all of their producer milk supplies from one of the cooperative associations in the market. This cooperative association operates a nonpool plant at which producer milk of its members in excess of its outlets for producer milk and also other source milk is manufactured into dairy products. The present provisions of the order are not clear as to whether milk transferred from the cooperative association's nonpool plant to a pool plant would be producer milk or other source milk. Although assigning milk so transferred to producer milk to the extent of the volume of producer milk received at such plant during the month will not directly affect the minimum uniform price to producers, it will simplify administration of the order by keeping payments on other source milk at a minimum.

Verification by the market administrator of segregation of other source milk from producer milk received at the co-

operative associations' nonpool plant and transferred to a pool plant for bottling would not be feasible. The conditions herein concluded to be appropriate under which milk so transferred would be considered as producer milk make such verification unnecessary. Such transfers would be producer milk only if the two parties to the transfer both agreed and so indicated to the market administrator on or before the 7th day after the end of the month during which the transfer occurred. This date coincides with the date on which regular monthly reports of receipts and utilization are made by handlers.

In the interest of consistency, the cooperative association should be designated a handler with respect to producer milk which it causes to be delivered to a pool plant from its nonpool plant to the same extent as it is a handler with respect to milk which it causes to be delivered to a pool plant directly from farms. This requires a change in the handler definition as it relates to cooperative associations and a conforming change in § 932.62 and in § 932.80 (b).

Since pursuant to these conclusions specific conditions are established under which milk transferred from a nonpool plant operated by a cooperative association to a pool plant is producer milk, any milk so transferred with respect to which these specific conditions are not met should be considered as other source milk.

(3) *Cheese prices.* The average wholesale price of cheese ("Cheddars") at Wisconsin primary markets as computed and reported by the United States Department of Agriculture should be substituted for the average wholesale price of cheese ("Cheddars") on the Wisconsin Cheese Exchange in the computation of the basic formula price.

The quotation for cheese at Wisconsin primary markets is reported daily and is based on actual sales of cheese. The Wisconsin Cheese Exchange meets once a week so that the price determination based on sales or bids and offers for cheese on this Exchange is reported only once a week. The volume of cheese sold through the Wisconsin Cheese Exchange is small in relation to the total volume of cheese sold at Wisconsin primary markets. Moreover there have been numerous occasions when no sales of cheese were made through the Wisconsin Cheese Exchange. It has been necessary therefore to use prices for those weeks which are derived from either bids or offers rather than from actual sales. Since the Wisconsin primary market quotation has been available there have been only few instances when sufficient sales have not been made on which to base a report. In view of these facts the price of cheese at Wisconsin primary markets is the more representative report to use to reflect the prices actually received by manufacturers of cheese.

The types of transaction on which the two cheese prices discussed above are based are similar—both are for the same type of cheese. The prices differ, however, in that the price at primary markets includes charges for certain services performed by the seller while these charges are not included in the Exchange price but are made as separate charges to the purchaser. The primary markets price is higher than the Exchange price. In the last year or two the difference has averaged about 1.3 cents per pound. Since no evidence was submitted to show that the basic formula price should be increased, 1.3 cents should be deducted from the primary markets price to result in a level comparable with the Exchange price.

(4) *Obligations on other source milk.* An obligation in an amount sufficient to insure that a handler cannot obtain other source milk at a cost below the cost of producer milk should be assessed against any handler who disposes of other source milk which is classified as Class I.

Class I milk may be provided from receipts from producers, i. e., from "pool" milk, or it may be provided from receipts of milk other than from producers, i. e., "other source" milk. The major source of other source milk is from manufacturing plants in the supply area. There are a large number of manufacturing milk plants near Fort Wayne which are possible sources of other source milk. Some are near enough that little if any transportation cost would be involved in obtaining milk from them. Handlers could also develop a supply of other source milk directly from dairy farmers. Many of the trucks which deliver milk from producers and farmers to handlers' plants also haul other source milk which could be unloaded at handlers' plants if the handlers want it.

The minimum price provisions of the order apply fully to Class I milk from "pool" sources. Unless special provision is made, however, the order would not apply to Class I milk from "other sources." Handlers who deal in "other source" Class I milk would be at an advantage as compared to handlers whose Class I milk was derived from "pool" milk. If other source milk could be used as Class I at a lower cost than pool milk, the tendency would be for other source milk to displace pool milk in Class I and regular producers would be deprived of a Class I market for their milk. Special provision must therefore be made in the order for dealing with "other source" milk disposed of as Class I. This special provision should involve a payment on other source milk which would be made by handlers utilizing such milk. The amount of the payment would be at a rate equal to the difference between the Class I price and the Class II price and it would be applicable to "other source" milk classified as Class I. This payment would assure that other source milk disposed of as Class I could not be procured at a cost to the handler less than the cost of Class I milk from pool sources. This payment would thus remove any advantage there might be in utilizing other source milk in Class I in preference to milk from pool sources.

The amount of the obligation to be assessed against any handler who disposes of other source milk as Class I should be the difference between the value of such milk at the Class II price and the value of such milk at the Class I price. Since the purpose of the payment on "other source" milk is to assure that such milk cannot be procured for less than Class I milk from "pool" sources, the payment should be an amount which would equalize as near as practicable the difference in the cost of milk from the two sources. Pool milk must be paid for, according to the terms of the order, at the Class I price. Other source milk utilized as Class I may be purchased at a price equivalent to that paid for milk used for manufacturing purposes in the Fort Wayne supply area. The price for Class II milk provided in the order is an accurate reflection of prices paid for milk for manufacturing in the Fort Wayne supply area when account is taken of the premiums which are paid over and above the so-called "basic" price quoted by local manufacturing plants. The Class II price therefore can be taken as a good index of the cost of other source milk used as Class I by Fort Wayne handlers. A payment of the difference between the Class I price and the Class II price on other source milk utilized as Class I will therefore tend to equalize the cost of such other source milk used as Class I with the cost of pool milk used for the same purpose.

The obligation of handlers who operate nonpool plants on other source milk should apply only to Class I milk distributed on routes extending into the marketing area. A suggestion was made that the obligation of handlers who operate pool plants on other source milk classified as Class I should also apply only to that milk distributed in the marketing area. To so limit the obligation would necessitate some method of determining whether the Class I milk disposed of in the marketing area was producer milk or other source milk, if the handlers disposed of Class I milk both inside and outside of the marketing area. No satisfactory method for dealing with this problem can be developed from the evidence in this record.

The responsibility to make the payment on other source milk classified as Class I should be borne by the handler who actually disposes of Class I on routes. It is appropriate for this handler to maintain the records concerning the utilization of other source milk since he is the handler who actually has firsthand knowledge of the final disposition of such milk. Moreover, the placing of the responsibility for payment upon such handler will not result in any person becoming a handler who would not otherwise be one under the terms of the order. The "handler" definition should be amended accordingly.

It was suggested that these obligations on other source milk should not apply when the market becomes short of producer milk. Even when the supply of producer milk is inadequate, the potentiality exists for handlers to displace producer milk with other source milk if the other source milk can be purchased cheaper than producer milk, and the record indicates that other source milk is available at all times at prices below the cost of producer milk. Therefore the obligation on Class I other source milk should apply at all times.

Obligations paid by handlers on other source milk should become a part of the producer-settlement fund and be distributed among all producers since other source milk disposed of as Class I milk in the marketing area displaces producer milk. A change in § 932.71 (a) is necessary to effectuate this conclusion.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER and that the order amending the order to be so published as a part of this decision shall include the full text of the order, as amended, and as hereby proposed to be further amended. The regulatory provisions of said marketing agreement are identical with those contained in the order amending the order which will be published with this decision.

This decision filed at Washington, D. C., this 6th day of May 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

Sec.

AUTHORITY: §§ 932.0 to 932.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 932.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 932.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 932.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 932.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 932.50 through § 932.53.

§ 932.4 *Market Administrator.* "Market Administrator" means the agency described in § 932.20.

§ 932.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 932.6 *Fort Wayne, Indiana, marketing area.* "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Fort Wayne, Indiana.

§ 932.7 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 932.8 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 932.9 *Route.* "Route" means a delivery (including at a plant store) of Class I milk to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

§ 932.10 *Handler.* "Handler" means:

(a) Any person with respect to all skim milk and butterfat received at (1) a pool plant operated by him, or (2) a nonpool plant operated by him during any delivery period within which a route is operated from such plant wholly or partially within the marketing area; or (b) any cooperative association not operating a pool plant with respect to (1) producer milk caused by it to be delivered to a pool plant for which milk such association is authorized to receive payment, or (2) milk certified by the Fort Wayne Board of Health for disposition within the marketing area as fluid milk which such association caused to be delivered, for its account, to a nonpool plant. Milk caused to be so delivered shall be deemed to be received by such association.

§ 932.11 *Producer.* "Producer" means any person, except a producer-handler, having certification issued by the Fort Wayne Board of Health, to produce milk for disposition within the marketing area in the form of fluid milk which is received during the delivery period (a) in a pool plant, or (b) by a cooperative association not operating a pool plant. This definition shall be deemed to include any person whose milk has been received previously in a pool plant but is caused to be delivered from a pool plant to a nonpool plant; and milk so delivered shall be deemed to have been received in such pool plant.

§ 932.12 *Pool plant.* "Pool plant" means any milk processing or distributing plant other than the plant of a producer-handler approved by the Fort Wayne Board of Health:

(a) During any delivery period within which the total combined amount of skim milk and butterfat disposed of as Class I milk on a route (or routes) operated wholly or partially in the marketing area from such plant is equal to 20 percent or more of the total volume of milk received at such plant during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk;

(b) During any of the delivery periods of October, November, December and January within which the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk is equal to 20 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk; or

(c) During each of the delivery periods of February through September 1952 if during each of any two of the delivery periods of November and December 1951 and January 1952 the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk was equal to 50 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk; and during each of the delivery periods of February through September of any year after 1952 if during each of any three of the next preceding four consecutive delivery periods October, November, December and January the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk was equal to 50 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk: *Provided*, That any plant which is a pool plant pursuant to this paragraph shall become a nonpool plant during any delivery period immediately following the delivery period within which the operator of such plant notifies the market administrator in writing on or before the 10th day of his intention that such plant shall become a nonpool plant, and such a plant shall not again be a pool plant pursuant to this paragraph until the following February; and the market administrator shall notify each cooperative association which causes milk to be delivered to such plant and each producer delivering to such plant who is not a member of a cooperative association at least 10 days prior to the first day of the first delivery period during which such plant is to be a nonpool plant of the handler's intention that such plant shall become a nonpool plant.

§ 932.13 *Producer milk.* "Producer milk" means milk produced and handled under conditions set forth in § 932.11. Skim milk and butterfat transferred in the form of milk to a pool plant from a nonpool plant operated by a cooperative association to which such association causes prducer milk to be delivered pursuant to § 932.10 (b) (2) shall be considered to have been producer milk if (a) the cooperative association and the handler operating the pool plant mutually indicate to the market administrator in writing on or before the 7th day after the end of the delivery period within which such transfer occurred, their desire that such skim and butterfat be considered as producer milk, and (b) the amount of skim milk and the amount of butterfat so transferred as producer milk is no greater than the amount of skim milk or the amount of butterfat, respectively, contained in producer milk caused by such association to be delivered to such nonpool plant during the delivery period.

§ 932.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 932.15 *Producer-handler.* "Producer-handler" means any person who produces milk but receives no milk from producers and operates a route extending into the marketing area.

§ 932.16 *Nonpool plant.* Any milk processing or distributing plant shall be a "nonpool plant" in any delivery period in which it is not a pool plant.

MARKET ADMINISTRATOR

§ 932.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 932.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 932.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 932.86:

(1) The cost of his bond and of the bonds of his employees.

(2) His own compensation, and

(3) All other expenses, except those incurred under § 932.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 932.30 or (2) payments pursuant to §§ 932.80 through 932.89;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class, and

(2) On or before the 13th day after the end of such delivery period, the uniform price computed pursuant to § 932.71 and the butterfat differential computed pursuant to § 932.82 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 932.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and the quantities of skim milk contained (1) in (or used in the production of) all receipts within such delivery period of producer milk, skim milk and butterfat in any form from any other handler, and other source milk, and (2) in all producer milk caused to be delivered during such delivery period to a nonpool plant for the account of such handler;

(b) The product pounds of milk products received from any source other than a handler and disposed of in the same form, except milk products covered by the definition of Class II milk disposed of in the form in which received without further processing by the handler;

(c) The utilization of all receipts required to be reported under paragraphs (a) and (b) of this section; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 932.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 22d day after the end of each delivery period each handler who operates a pool plant shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 932.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 932.33 *Retention of records.* All books and records required to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 932.40 *Skim milk and butterfat to be classified.* The market administrator shall classify pursuant to § 932.41 through § 932.46:

(a) All skim milk and butterfat, in any form, received within the delivery period by a handler in producer milk, in other source milk, and from another handler; and

(b) All skim milk and butterfat in producer milk caused by a handler to be delivered for his account to a nonpool plant.

§ 932.41 *Classes of utilization.* Subject to the conditions set forth in § 932.43 and § 932.44, the skim milk and butterfat described in § 932.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as (i) milk, skim milk, buttermilk, flavored milk, or flavored milk drinks (except as provided in paragraph (b) (2) and (3) of this section); (ii) cream or as any mixture containing cream and milk or skim milk (not including ice cream mix

disposed of pursuant to paragraph (b) (4) of this section or any product disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); or (iii) eggnog;

(2) Used to produced concentrated milk disposed of for fluid consumption; or

(3) Not specifically accounted for as any product specified in subparagraphs (1) and (2) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than those specified in paragraph (a) (1) and (2) of this section;

(2) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drinks, or buttermilk;

(3) Disposed of during any of the delivery periods of January through September as bulk milk, skim milk, or cream to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(4) Disposed of as ice cream mix to a commercial processor;

(5) In actual plant shrinkage of producer milk computed pursuant to § 932.42, but not in excess of 2 percent thereof; or

(6) In actual plant shrinkage of other source milk computed pursuant to § 932.42.

§ 932.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between producer milk and other source milk after deducting receipts from other handlers.

§ 932.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 932.44 *Disposition to milk plants.* Skim milk and butterfat disposed of by transfer or diversion from a pool plant to another plant shall be classified as follows:

(a) As Class I milk if disposed of to a pool plant of another handler in the form of milk, skim milk, or cream unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which the transaction occurred: *Provided*, That skim milk and butterfat so assigned to Class II shall be limited to the amount thereof remaining in such class at the plant of the transferee handler after the subtraction of other source milk pursuant to § 932.46 (a) (2) and (b); and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I.

(b) As Class I milk if disposed of to a producer-handler in the form of milk, skim milk, or cream.

(c) Except as provided in paragraph (d) of this section, as Class I milk if disposed of to a nonpool plant not operated by the handler in the form of milk, skim milk, or cream unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the transferring handler and receiver on or before the 20th day after the end of the delivery period within which such transfer occurred; (2) such receiver's plant or another nonpool plant to which such receiver transferred milk, skim milk, or cream had actually used during the delivery period in which such milk, skim milk, or cream was received not less than an equivalent amount of skim milk and butterfat in the use mutually indicated in writing by the transferring handler and the receiver; and (3) the receiver or the operator of any other nonpool plant in which utilization is claimed as a basis for classification maintains books and records showing the utilization of all skim milk and butterfat at his plant, which books and records are made available if requested by the market administrator for the purpose of verifying such utilization: *Provided*, That if upon inspection of such books and records the market administrator cannot verify Class II utilization, that portion of skim milk or butterfat for which such utilization cannot be verified shall be classified in Class I.

(d) As Class I milk if disposed of in the form of milk to a plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by the shortest highway distance as determined by the market administrator; and

(e) Producer milk disposed of by a handler to a nonpool plant operated by such handler shall be classified according to its utilization in such nonpool plant or pursuant to paragraphs (a), (b) and (c) (except for the reference to paragraph (d) therein) of this section if it is transferred from such nonpool plant to another plant: *Provided*, That if the use in or transfer from the nonpool plant of such handler is in conjunction with other source milk, producer milk shall be allocated first to the available quantity of Class II milk and any remaining balance of producer milk shall be allocated to Class I.

§ 932.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 932.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract plant shrinkage of skim milk pursuant to § 932.41 (b) (5) from the total pounds of skim milk in Class II;

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 932.44;

(4) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

(c) Determine the weighted average butterfat test of the remaining Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 932.50 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present operator	*Location*
Defiance Milk Products Co.	Defiance, Ohio.
Pet Milk Co.	Angola, Ind.
Pet Milk Co.	Garrett, Ind.
Kraft-Phenix Cheese Corp.	Kendallville, Ind.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin state brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide by seven, add 30 percent thereof, and then multiply by 4.0.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 4.0; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 932.51 *Class I milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler for producer milk received and classified as Class I milk shall be the basic formula price computed pursuant to § 932.50 adjusted as follows:

(a) Add (1) $0.60 during each of the delivery periods of April, May and June; (2) $1.15 during each of the delivery periods of October, November and December; and (3) $1.00 during each of the other delivery periods.

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk in the first and second delivery period preceding by the total volume of producer milk for the same delivery periods multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which the class price is being computed:	*Standard utilization percentage*
January	86
February	82
March	78
April	73
May	68
June	60
July	54
August	56
September	61
October	70
November	81
December	87

(3) Determine the amount of the supply-demand adjustment as follows:

If net utilization percentage is—	Supply-demand adjustment for specified delivery periods is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within a tabulated bracket, the adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month.

§ 932.52 *Class II milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight on a 4.0 percent butterfat content basis to be paid by each handler for producer milk received and classified as Class II milk shall be the basic formula price.

§ 932.53 *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

§ 932.54 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 932.60 *Producer-handlers.* Sections 932.40 through 932.46, 932.50 through 932.54, 932.70 through 932.72, and 932.80 through 932.89 shall not apply to a producer-handler.

§ 932.61 *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

§ 932.62 *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.10 (b) (1), with respect to producer milk caused by it to be delivered to a pool plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to the last proviso of § 932.84 (a).

DETERMINATION OF UNIFORM PRICE

§ 932.70 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 932.30, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 932.46 (a) (4) and (b) by the applicable class prices.

§ 932.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk, on the basis of 4.0 percent butterfat content, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 932.70, for all handlers who made the reports prescribed by § 932.30 except those in default of the payments prescribed in § 932.84 for the preceding delivery period, the amounts computed pursuant to the first proviso contained in § 932.84 (a), and the amounts computed pursuant to § 932.84 (b).

(b) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of

contingent obligations to handlers pursuant to § 932.85;

(c) Subtract, if the weighted average butterfat test of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such butterfat test is less than 4.0 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 4.0 percent by the butterfat differential computed pursuant to § 932.82, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (d) of this section.

§ 932.72 *Notification of handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the total thereof; (b) the applicable minimum class prices and uniform price; (c) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 932.84 and § 932.85; and (d) the amount to be paid by each handler pursuant to §§ 932.80 (a) and (b), 932.86 and 932.87.

PAYMENTS

§ 932.80 *Time and method of final payment.* Each handler shall make payments, after deducting the amount of the payments made pursuant to § 932.81, as follows:

(a) On or before the 17th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 932.71 adjusted by the producer butterfat differential pursuant to § 932.82, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 932.85, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to producer milk caused by it to be delivered to such handler during such delivery period, not less than the value of such milk computed at the minimum class prices. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk and Class II milk as determined pursuant to § 932.46.

§ 932.81 *Partial payments.* (a) On or before the last day of each delivery period, each handler shall make payment, except as set forth in paragraph (b) of this section, to each producer, for the milk received from such producer by such handler during the first 15 days of such delivery period, at not less than the uniform price for the preceding delivery period.

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such delivery period, at not less than the uniform price of the preceding delivery period.

§ 932.82 *Producer butterfat differential.* In making payments pursuant to § 932.80 (a) there shall be added to, or subtracted from, the uniform price for milk of 4.0 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 4.0 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

§ 932.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 932.84 and out of which he shall make all payments to handlers pursuant to § 932.85.

§ 932.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, handlers shall pay to the market administrator as follows:

(a) Handlers who operate pool plants shall pay the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *Provided*, That handlers who operate pool plants and who receive during such delivery period other source milk which is classified as Class I shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential: *And provided further*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the association, in turn, shall pay to the market administrator on or before the 16th day after the end of the delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82.

(b) Handlers who operate nonpool plants from which milk received during such delivery period was disposed of as Class I milk on a route (or routes) operated wholly or partially within the marketing area from such plant shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential.

§ 932.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82, less any unpaid obligations of such handler to the market administrator pursuant to § 932.84, § 932.86, § 932.87, and § 932.88: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the market administrator shall pay, on or before the 17th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 932.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 932.22 (d) each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all receipts within the delivery period of (a) producer milk (including such handler's own production), and (b) other source milk classified as Class I milk pursuant to § 932.41 (a) (1) and (2).

§ 932.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.80 (a), shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.88 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.80 through 932.87 or to paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 5th day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 932.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 932.90 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 932.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 932.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 932.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 52-5210; Filed, May 8, 1952; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-259]

ACCIDENT OCCURRING NEAR LA HABRA, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 8404C, which occurred near La Habra, California, on April 18, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, May 14, 1952, at 9:00 a. m. (local time), in the Santa Monica Post Office Building, Room Four, 1248 Fifth Street, Santa Monica, California.

Dated at Washington, D. C., May 2, 1952.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 52-5213; Filed, May 8, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 102]

SUMTER, SOUTH CAROLINA, CRITICAL DEFENSE-HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Congress, as amended by Public Laws 422 and 464, 80th Congress, Public Laws 31, 574 and 880, 81st Congress; and Public Laws 8, 69 and 96, 82d Congress); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Public Law 774, 81st Congress; as amended by Public Law 96, 82d Congress); and Executive Order 10161 of September 9th, 1950, and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated April 29, 1952, that the Sumter, South Carolina, area (this area consists of Sumter County, South Carolina) is a critical defense-housing area, and in view of the defense housing program announced for the said area on January 21, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Sumter, South Carolina, critical defense-housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MAY 6, 1952.

[F. R. Doc. 52-5260; Filed, May 8, 1952; 10:51 a. m.]

[Determination 103]

PORT LAVACA, TEXAS, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Congress, as amended by Public Laws 422 and 464, 80th Congress, Public Laws 31, 574 and 880, 81st Congress; and Public Laws 8, 69 and 96, 82d Congress); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Public Law 774, 81st Congress; as amended by Public Law 96, 82d Congress); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated April 30, 1952, that the Port Lavaca, Texas, area (this area consists of Calhoun County, Texas) is a critical defense housing area, and in view of the defense housing program announced for the said area on March 21, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Port Lavaca, Texas, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MAY 6, 1952.

[F. R. Doc. 52-5261; Filed, May 8, 1952; 10:51 a. m.]

[Determination 104]

PARSONS, KANSAS, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Congress, as amended by Public Laws 422 and 464, 80th Congress, Public Laws 31, 574 and 880, 81st Congress; and Public Laws 8, 69 and 96, 82d Congress); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Public Law 774, 81st Congress; as amended by Public Law 96, 82d Congress); and Executive Order 10161 of September 9th, 1950 and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated April 28, 1952, that the Parsons, Kansas, area (this area consists of Labette County, Kansas) is a critical defense housing area, and in view of the defense housing program announced for the said area on March 5, 1952 and April 29, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Parsons, Kansas, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MAY 6, 1952.

[F. R. Doc. 52-5262; Filed, May 8, 1952; 10:51 a. m.]

Office of Price Stabilization

[Delegation of Authority No. 67]

DEPARTMENT OF AGRICULTURE, BUREAU OF AGRICULTURAL ECONOMICS

DELEGATION OF AUTHORITY TO RECEIVE OPS FORMS DO 1-6 AND TO COMPILE STATISTICAL DATA DERIVED FROM INFORMATION CONTAINED IN SUCH FORMS

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 5, Revised (16 F. R. 11875) this Delegation of Authority 67 is hereby issued.

1. Authority is hereby delegated to the Department of Agriculture, Bureau of Agricultural Economics to receive OPS forms DO 1-6 and to compile statistical data for the OPS based on information derived from such forms.

This Delegation of Authority 67 is to take effect May 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 8, 1952.

[F. R. Doc. 52-5265; Filed, May 8, 1952; 10:52 a. m.]

REGIONS V, XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on May 2, 1952.

REGION V

Jacksonville Order G1-7, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:24 p. m.

Jacksonville Order G2-7, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:24 p. m.

Jacksonville Order G3-7, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:27 p. m.

Jacksonville Order G3A-7, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:28 p. m.

Jacksonville Order G4-7, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:28 p. m.

Jacksonville Order G4A-7, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:28 p. m.

REGION XII

Fresno Order G1-7, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 2:23 p. m.

Fresno Order G2-7, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 2:23 p. m.

Fresno Order G4-7, Amendment 2, covering retail sales of certain food items in the Fresno Area, filed 2:23 p. m.

Fresno Order G4A-7, Amendment 1, covering retail sales of certain food items in the Fresno Area, filed 2:24 p. m.

Copies of any of these orders may be obtained from the Office of Price Stabilization Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-5180; Filed, May 6, 1952; 4:23 p. m.]

[Region I, Redelegation of Authority No. 4, Revision 1]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. I, pursuant to Delegation of Authority No. 14, Revised (17 F. R. 3471) this Revision of Redelegation of Authority No. 4 (16 F. R. 8560) is hereby issued.

1. *Authority to act under sections 1-5, inclusive, of GCPR, SR 45, Revision 1.* Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, Manchester, New Hampshire, and Hartford, Connecticut District Offices of the Office of Price Stabilization to act on all applications for adjustment under the provisions of sections 1-5, inclusive, of GCPR, SR 45, Revision 1, as amended.

This revised redelegation of authority is effective as of January 30, 1952.

JOSEPH M. MCDONOUGH,
Director, Regional Office No. I.

MAY 6, 1952.

[F. R. Doc. 52-5181; Filed, May 6, 1952; 4:23 p. m.]

[Region I, Redelegation of Authority No. 12, Revision 1]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. I, pursuant to Delegation of Authority No. 14, Revised (17 F. R. 3471) this Revision of Redelegation of Authority No. 12 (16 F. R. 10327) is hereby issued.

1. *Authority to act under sections 1-5, inclusive, of GCPR, SR 45, Revision 1.* Authority is hereby redelegated to the Directors of the Portland, Maine and Montpelier, Vermont District Offices of the Office of Price Stabilization in Region I to act on all applications for adjustment under the provisions of sections 1-5, inclusive, of GCPR, SR 45, Revision 1, as amended.

This revised redelegation of authority is effective as of January 30, 1952.

JOSEPH M. MCDONOUGH,
Director, Regional Office No. I.

MAY 6, 1952.

[F. R. Doc. 52-5182; Filed, May 6, 1952; 4:23 p. m.]

[Region I, Redelegation of Authority No. 37]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. 1, pursuant to Delegation of Authority No. 60 (17 F. R. 3220), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under section 2.12 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall take effect as of April 25, 1952.

JOSEPH M. MCDONOUGH,
Director, Regional Office No. 1.

MAY 6, 1952.

[F. R. Doc. 52-5183; Filed, May 6, 1952; 4:23 p. m.]

[Region I, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. I, pursuant to Delegation of Authority No. 61 (17 F. R. 3258) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to act under sections 4 (a) (6), 6 (c), 6 (d), 7 (c), 9 (b) (3), 10, 14 (e), and 16 (b) of CPR 134.

This redelegation of authority shall take effect as of April 29, 1952.

JOSEPH M. MCDONOUGH,
Director, Regional Office No. I.

MAY 6, 1952.

[F. R. Doc. 52-5184; Filed, May 6, 1952; 4:23 p. m.]

[Region II, Redelegation of Authority 15, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE-DETERMINING METHODS UNDER SECTION 5, AS AMENDED, AND TO ACT UNDER SECTION 17 (b) OF CPR 100

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II pursuant to Delegation of Authority No. 37, Revision 1 (17 F. R. 3563), this Revision 1 to Redelegation of Authority 15 is hereby issued.

1. *Authority to act under section 5, as amended, of CPR 100.* Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, New York; and the Newark and Trenton, New Jersey, Offices of Price Stabilization, to approve, pursuant to section 5, as amended, of CPR 100, a price-determining method for sales of new complete farm equipment, or new farm equipment repair parts proposed by a seller under CPR 100, disapprove such a proposed price-determining method, establish a different price-determining method, or request further information concerning such a price-determining method.

2. *Authority to act under section 17 (b) of CPR 100.* Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse

and Albany, New York, and the Newark and Trenton, New Jersey, Offices of Price Stabilization to issue orders, pursuant to section 17 (b) of CPR 100, fixing ceiling prices for any person subject to this Regulation who fails to keep the records, file the reports and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This redelegation of authority is effective May 7, 1952.

JAMES G. LYONS,
Regional Director, Region II.

MAY 6, 1952.

[F. R. Doc. 52-5185; Filed, May 6, 1952; 4:24 p. m.]

[Region II, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 63 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. *Authority to act under section 6 of CPR 23.* Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, New York; and the Newark and Trenton, New Jersey, Offices of Price Stabilization to take appropriate action under section 6 of CPR 23. All actions taken by District Offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority is effective May 7, 1952.

JAMES G. LYONS,
Regional Director, Region II.

MAY 6, 1952.

[F. R. Doc. 52-5186; Filed, May 6, 1952; 4:24 p. m.]

[Region II, Redelegation of Authority 36]

DIRECTORS OF DISTRICT OFFICES, REGION II

REDELEGATION OF AUTHORITY TO ISSUE ORDERS ESTABLISHING PRICE FACTORS, EXCHANGE ALLOWANCES, PRICE DIFFERENTIALS, PRICE DETERMINING METHODS, UNDER CPR 139

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 64 (17 F. R. 3617), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse and Albany, New York; and the Newark and Trenton, New Jersey, Offices of Price Stabilization to issue orders establishing price factors, exchange allowances, and price differentials under section 27, exchange allowances under section 26 (c), price determining methods under section 34, and price factors and price differentials under section 46 of Ceiling Price Regulation 139.

This redelegation of authority is effective May 7, 1952.

JAMES G. LYONS,
Regional Director, Region II.

MAY 6, 1952.

[F. R. Doc. 52-5187; Filed, May 6, 1952; 4:24 p. m.]

[Region III, Redelegation of Authority No. 9, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 14, Revision 1 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act on all applications for adjustment under the provisions of sections 1-5, inclusive, of GCPR, SR 45, Revision 1, as amended.

This redelegation of authority shall take effect as of April 25, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MAY 6, 1952.

[F. R. Doc. 52-5188; Filed, May 6, 1952; 4:24 p. m.]

[Region III, Redelegation of Authority No. 22, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO PROCESS REPORTS UNDER SECTION 5 AND TO ACT UNDER SECTION 17 (b) OF CPR 100

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 37, Revision 1 (17 F. R. 3563) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to approve, pursuant to section 5, as amended, of CPR 100, a price-determining method for sales of new complete farm equipment, or new farm equipment repair parts proposed by a seller under CPR 100, disapprove such a proposed price-determining method, establish a different price-determining method, or request further information concerning such a price-determining method.

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to issue orders, pursuant to section 17(b) of CPR 100, fixing ceiling prices for any person subject to this regulation who fails to keep the records, file the reports and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This Revision 1 to Redelegation of Authority No. 22, shall take effect as of April 28, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MAY 6, 1952.

[F. R. Doc. 52-5189; Filed, May 6, 1952; 4:24 p. m.]

[Region III, Redelegation of Authority No. 32]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 60 (17 F. R. 3220), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of CPR 135.

(b) To adjust ceiling prices under section 2.12 of CPR 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of CPR 135, or concerning any application for a ceiling price made pursuant to the provisions of CPR 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under CPR 135.

This redelegation of authority shall take effect as of April 28, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MAY 6, 1952.

[F. R. Doc. 52-5190; Filed, May 6, 1952; 4:24 p. m.]

[Region III, Redelegation of Authority No. 33]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 63 (17 F. R. 3471) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the

Office of Price Stabilization in Region III to take appropriate action under section 6 of CPR 23. All actions taken by field offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of April 28, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

MAY 6, 1952.

[F. R. Doc. 52-5191; Filed, May 6, 1952; 4:25 p. m.]

[Region VII, Redelegation of Authority No. 4, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 14, Revision 1 (17 F. R. 3471) this revised redelegation of authority is hereby issued.

1. Authority to act under sections 1-5, inclusive, of GCPR, SR 45, Revision 1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to act on all applications for adjustment under the provisions of sections 1-5, inclusive, of GCPR, SR 45, Revision 1, as amended.

This revised redelegation of authority is effective May 7, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

MAY 6, 1952.

[F. R. Doc. 52-5192; Filed, May 6, 1952; 4:25 p. m.]

[Region VII, Redelegation of Authority No. 35]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO ISSUE ORDERS ESTABLISHING PRICE FACTORS, EXCHANGE ALLOWANCES, PRICE DIFFERENTIALS, PRICE DETERMINING METHODS, UNDER CPR 139

By virtue of the Authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 64, dated April 22, 1952 (17 F. R. 3617), this Redelegation of Authority No. 35 is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to issue orders establishing price factors, exchange allowances, and price differentials under section 27, exchange allowances under section 26 (c), price determining methods under section 34, and price factors and price differentials under section 43 of Ceiling Price Regulation 139.

This redelegation of authority shall take effect May 7, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

MAY 6, 1952.

[F. R. Doc. 52-5194; Filed, May 6, 1952; 4:25 p. m.]

[Region X, Redelegation of Authority No. 30]

DIRECTORS OF DISTRICT OFFICES, REGION X

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. X, pursuant to Delegation of Authority No. 63 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. *Authority to act under section 6 of CPR 23.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization, to take appropriate action under section 6 of CPR 23. All actions taken by field offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of May 1, 1952.

ALFRED L. SEELYE,
Director of Regional Office, No. X.

MAY 6, 1952.

[F. R. Doc. 52-5193; Filed, May 6, 1952; 4:25 p. m.]

[Region XI, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION XI

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 63 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. *Authority to act under section 6 of CPR 23.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to take appropriate action under section 6 of CPR 23. All actions taken by district offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of April 23, 1952.

ALLEN MOORE,
Acting Regional Director, Region XI.

MAY 6, 1952.

[F. R. Doc. 52-5195; Filed, May 6, 1952; 4:25 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-585]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF OPINION

MAY 5, 1952.

Notice is hereby given that on May 1, 1952, the Federal Power Commission issued its Opinion No. 226 entered April 30, 1952, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5162; Filed, May 8, 1952; 8:45 a. m.]

[Docket Nos. G-1277, G-1650, G-1713, G-1621, G-1747, G-1633, G-1800]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF ORDER GRANTING MOTION TO SEVER

MAY 5, 1952.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-1277, G-1650, G-1713; Atlantic Seaboard Corporation, Docket Nos. G-1621, G-1747; the Manufacturers Light and Heat Company, Docket No. G-1633; United Fuel Gas Company, Docket No. G-1800.

Notice is hereby given that on May 1, 1952, the Federal Power Commission issued its order entered May 1, 1952, in the above-entitled matters, granting motion to sever, omitting intermediate decision procedure and amending temporarily prior certificate authorization (15 F. R. May 6, 1950) in Docket No. G-1277.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5179; Filed, May 8, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27026]

ACETIC ACID AND ANHYDRIDE FROM LYLE AND MEMPHIS, TENN., TO POINTS IN EAST AND NORTHEAST

APPLICATION FOR RELIEF

MAY 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Acid, acetic, glacial or liquid, and acetic anhydride, carloads.

From: Lyle and Memphis, Tenn.

To: Lock Haven, Pa., Niagara Falls, N. Y., Perth Amboy, Phillipsburg, and Rahway, N. J., and Woonsocket, R. I.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5174; Filed, May 8, 1952; 8:47 a. m.]

[4th Sec. Application 27027]

CHROME AND MANGANESE ORE FROM NEW ORLEANS, LA., TO WOODSTOCK, TENN.

APPLICATION FOR RELIEF

MAY 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166, pursuant to fourth-section order No. 16101.

Commodities involved: Chrome and manganese ore, carloads (import traffic).

From: New Orleans, La., and points taking same rates.

To: Woodstock, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5175; Filed, May 8, 1952; 8:47 a. m.]

[4th Sec. Application 27028]

VARIOUS COMMODITIES FROM POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities listed in exhibit "A" of the application.

From: Points in trunk-line and New England territories.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5176; Filed, May 8, 1952; 8:47 a. m.]

[4th Sec. Application 27029]

MOTOR-RAIL-MOTOR RATES BETWEEN POINTS IN NEW ENGLAND AND HARLEM RIVER, N. Y., AND BOSTON, MASS., AND NEW HAVEN, CONN.

APPLICATION FOR RELIEF

MAY 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Lombard Bros., Incorporated.

Commodities involved: All commodities.

Between: Boston, Mass., Providence, R. I., and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other, and between Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5177; Filed, May 8, 1952; 8:47 a. m.]

[4th Sec. Application 27030]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MAY 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and J. Coyle.

Commodities involved: Various commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5178; Filed, May 8, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 51]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MAY 8, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Sioux City, Iowa, Area. (The area consists of Sioux City and the Townships of Woodbury and Liberty, all in Woodbury County, Iowa.)

Lea County, New Mexico, Area. (The area consists of Lea County, New Mexico.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-5259; Filed, May 8, 1952; 10:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-171, 59-92]

NORTH AMERICAN CO. AND NORTH AMERICAN UTILITIES SECURITIES CORP.

NOTICE OF FILING OF AMENDED PLAN FOR LIQUIDATION OF INVESTMENT COMPANY SUBSIDIARY OF REGISTERED HOLDING COMPANY; ORDER REOPENING RECORD; AND NOTICE OF AND ORDER RECONVENING HEARING

MAY 5, 1952.

In the matter of The North American Company, File No. 54-171; North American Utility Securities Corporation, The North American Company, File No. 59-92.

Notice is hereby given that an application has been filed with this Commission by the North American Company ("North American"), a registered holding company, pursuant to section 11 (e) of the act, seeking approval of an amended plan for the liquidation and dissolution of its investment company subsidiary, North American Utility Securities Corporation ("NAUSCORP").

On April 14, 1942, this Commission ordered North American, pursuant to section 11 (b) (1) of the act, to dispose of its interest in NAUSCORP and in the securities held by that company. In compliance with that order North American filed with this Commission a plan under section 11 (e) of the act, for the liquidation and dissolution of NAUSCORP which, in effect, proposed that no participation be accorded the common stock of NAUSCORP in the assets of the company and that all of such assets be allocated to North American as the holder of all of NAUSCORP's preferred stock since NAUSCORP's assets would not have been sufficient to satisfy in full the charter liquidation preferences of NAUSCORP's preferred stock. North American also owns 80.62 percent of the 466,548 outstanding shares of common stock of NAUSCORP, the balance being held by the public.

After the plan was filed the Commission instituted proceedings under section 11 (b) (2) of the act directed against NAUSCORP and North American and consolidated such proceedings with the proceedings under section 11 (e) of the act. Pursuant to due notice extensive public hearings were held on the consolidated proceedings during the course of which certain claims were urged by a committee representing the public common stockholders of NAUSCORP in support of such stockholders' right to participation in the liquidation of NAUSCORP. North American presented its defenses to such claims. Subsequent to the conclusion of the hearings on May 4, 1950, the staff of the Division of Public Utilities of the Commission filed its recommended findings and opinion recommending that the Commission order the liquidation and dissolution of NAUSCORP, pursuant to section 11 (b) (2) of the act, outlining the asserted claims and defenses as between NAUSCORP and North American, and recommending that some participation in the assets of NAUSCORP be accorded the publicly held common stock of that company. No recommendation of the extent of such participation was made. Thereafter, North American filed its exceptions to the Division's recommended findings and opinion while the Committee urged the Commission to adopt the Division's recommendations. The Commission has not, as yet, rendered a decision in connection with such consolidated proceedings.

On April 18, 1952, North American filed a plan with the Commission, under section 11 (e) of the act, proposing its own liquidation and dissolution. This plan by its terms is dependent, in part, on the liquidation of NAUSCORP.

The amended plan for NAUSCORP discloses, that on the basis of the market prices of NAUSCORP's portfolio securities at March 31, 1952, the net assets of the company after deducting the charter liquidation preferences of the preferred stock amounted to 59 cents per share of common stock and that the net earnings applicable to the common stock for the 12 months ending such date amounted to 16 cents a share.

The amended plan states that in order to recognize the present interest of the common stock of NAUSCORP in the assets and earnings, to make feasible the liquidation plan of North American, and to resolve the deadlock in the NAUSCORP proceedings presented by the divergent viewpoints respecting the treatment to be accorded the publicly-held common stock of NAUSCORP, North American has entered into a compromise agreement with the committee representing the publicly-held common stock of NAUSCORP. In connection with the compromise an action on behalf of NAUSCORP now pending in the New York Supreme Court, which was brought by certain stockholders of that company against North American, will be discontinued.

The amended plan may be summarized as follows:

NAUSCORP will be dissolved and in connection therewith each of the 90,397 shares of the common stock of NAUSCORP held by stockholders other than North American will receive cash in the amount of $9 per share in exchange for such stock. Said cash payment will be in full satisfaction of all rights and claims attaching to said stock or assertable on behalf of said stockholders. At the expiration of six years from the effective date of the amended plan all rights of the public stockholders to receive the cash payment of $9 per share will terminate and all unclaimed funds will become the property of North American or its successor in interest. Prior to such termination date reasonable efforts by newspaper advertisement and personal search will be made to communicate with all of the public common stockholders of NAUSCORP who have not surrendered their stock in exchange for the cash payment.

After NAUSCORP shall have provided for the payment to its publicly held common stock and, to the extent feasible, paid and discharged all of its liabilities, North American will assume the remaining liabilities and receive the remaining assets.

North American requests that the Commission make the findings and recitals required by Supplement R of the Internal Revenue Code, as amended.

The amended plan also provides that North American and NAUSCORP will pay such reasonable fees and remuneration for services rendered in connection therewith as the Commission may approve within the scope of its jurisdiction under section 11 (e) of the act.

Consummation of the amended plan is conditioned, among other things, on North American having first obtained such rulings and closing agreements of the United States Treasury Department as to taxes involved therein as the Board of Directors of the company deem appropriate. The amended plan is also subject to approval by a United States District Court having jurisdiction with respect thereto.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan as submitted, or as thereafter amended, is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected thereby; and

It appearing appropriate to the Commission that notice be given and a hearing be held upon said amended plan, to afford all interested persons an oppor-

tunity to be heard with respect thereto, and that the record heretofore closed herein should be reopened for the limited purpose of receiving evidence as to facts occurring since the closing of the record and relevant to the issues raised with respect to the amended plan.

It is ordered, That the hearing in these consolidated proceedings be reconvened on May 27, 1952, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings who has not heretofore appeared herein is directed to file with the Secretary of the Commission on or before May 26, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the record herein be, and the same hereby is, reopened for the limited purpose of adducing evidence as to facts occurring since the closing of the record and relevant to the issues raised with respect to the amended plan.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the amended plan and that, upon the basis thereof, in addition to the issues specified in the Commission's notice and order for hearing on the original plan (Holding Company Act Release No. 8399) the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the amended plan, as submitted or as it may be amended, is necessary and fair and equitable to the persons affected thereby, and in particular whether the proposed cash payment of $9 per share to be made the public common stockholders of NAUSCORP is fair and equitable;

(2) Whether the fees, expenses, or other remuneration to be paid by North American and NAUSCORP are for necessary services and are reasonable in amount; and whether the amended plan should be modified to include a provision for the payment of such fees and expenses in connection with said amended plan and related proceedings, as the Commission may determine, award, allow or allocate;

(3) Generally, whether the transactions proposed in the amended plan comply with the requirements of the applicable provisions of the act and rules promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid reconvened hearing by mailing copies of this notice and order by registered mail to North American and NAUSCORP; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That North American shall give notice of the reconvened hearing to all of the public stockholders of NAUSCORP (insofar as the identity of such stockholders is known or available to it) by mailing to each of said persons at his last known address, at least 15 days before the date set for the hearing, a copy of this notice and order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5166; Filed, May 8, 1952; 8:46 a. m.]

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING OF PLAN FOR DISSOLUTION OF PARENT HOLDING COMPANY; NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

MAY 5, 1952.

In the matter of The North American Company, Union Electric Company of Missouri, File No. 54-205; The North American Company, Respondent, File No. 59-95.

I. Notice is hereby given that pursuant to section 11 (e) of the act an application has been filed with this Commission by the North American Company ("North American"), a registered holding company, for approval of a plan of liquidation and dissolution which applicant states is for the purpose of enabling it to comply with section 11 (b) of the act. Union Electric Company of Missouri ("Union"), a registered holding company and a public utility subsidiary of North American, has joined in the application and plan to the extent necessary to effectuate the terms thereof. The transactions and terms proposed by said plan are summarized as follows:

1. On the effective date of the plan North American will distribute to the holders of its outstanding 8,572,626 shares of common stock, as a liquidating dividend, shares of Union common stock, on the basis of one share of Union common stock for each ten shares of North American common stock. A similar distribution will be made approximately twelve months after the effective date of the plan. Twenty-four months after such effective date a final liquidating dividend of Union common stock will be distributed to the North American stockholders on a share for share basis upon surrender of the certificates for North American common stock.

2. In connection with the interim distributions of Union common stock, no fractional shares of such stock will be issued but in lieu thereof cash will be paid in an amount to be specified by amendment. North American stockholders who receive four shares or less of Union common stock will be provided assistance by North American in the sale of such stock without any commission or brokerage cost to such stockholders.

3. The Union common stock to be distributed as liquidating dividends will be a newly created issue of 10,300,000 shares of $10 par value per share. Union's presently outstanding 11,450,000 shares of no par value common stock, all of which is held by North American, will be reclassified into 10,300,000 shares of no par value. Prior to the distribution of each liquidating dividend the requisite number of shares of no par value common stock will be exchanged by North American for a similar number of shares of common stock, $10 par value, which will be distributed.

4. Union's charter will be amended to provide that the par value and no par value common stock will be identical in all respects except that

(a) The no par value common stock will never be held by any person other than North American and such shares will be convertible share for share into $10 par value common stock;

(b) So long as any of the shares of Union's no par value common stock remain outstanding the amount of earned surplus of Union available for dividends on the outstanding shares of its $10 par value common stock shall be limited for dividend purposes to that proportion which the number of shares of $10 par value stock bear to the total number of shares of both classes of common stock at the date of any dividend declaration; and

(c) The balance of the earned surplus of Union shall be available for dividends on the no par value common stock but no such dividend will be paid except pursuant to permission of this Commission.

5. In addition to the above set forth changes proposed to be made in the charter of Union, it will be further amended to provide:

(a) That the holders of voting stock shall be entitled to cumulative voting in the election of directors;

(b) That the $10 par value common stockholders will have preemptive rights to purchase any additional shares of such common stock as may be sold for cash other than by a public offering and that no such rights will be conferred upon the no par value common stock held by North American;

(c) That at any meeting of stockholders a majority of the outstanding shares entitled to vote will be required for a quorum; and

(d) That any modification of the foregoing provisions designated (a), (b),

and (c) will require the consent of two-thirds in interest of the number of outstanding shares of Union stock entitled to vote thereon.

6. The plan states that it is the present intention of the Board of Directors of Union to maintain, during the two-year distribution period, dividends on the par value common stock at the rate of $1.20 per annum and thereafter at such rate as the Board of Directors shall deem appropriate. It is also stated that commencing with the effective date of the plan North American will cease to pay any cash dividends upon its own outstanding common stock.

7. As soon as practicable after the effective date of the plan, Union will issue and sell $20,000,000 principal amount of its serial notes of which one quarter will mature at the end of each six months following such issuance and sale. Applicants expect that repayment of said notes will be made in substantial part out of Union's earnings.

8. During the two-year distribution period, to the extent feasible, North American will liquidate all of its assets, other than its holdings of Union common stock. In this connection the plan states that North American, which has heretofore filed a plan with this Commission for the liquidation and dissolution of its subsidiary, North American Utility Securities Corporation ("NAUSCORP"), an investment company all of whose outstanding securities are owned by North American except for 90,397 shares of common stock held by the public, has entered into a compromise arrangement with a committee representing the public common stockholders of NAUSCORP to allot them $9 per share out of the net assets of NAUSCORP, which net assets amounted to approximately $10,500,000 at March 31, 1952, on the basis of market prices of its portfolio securities at that date. This compromise arrangement has been submitted to this Commission for its approval.

9. Upon completion of the steps hereinabove set forth, North American proposes to liquidate and dissolve by transferring its then remaining assets to Union which will assume all of North American's remaining liabilities. The major portion of North American's assets, other than its investment in Union consists of its interest in NAUSCORP and net current assets of approximately $4,000,000, at December 31, 1951.

The plan provides that North American will make reasonable efforts, by newspaper advertisements and by personal search, to communicate with such of its stockholders as it has been unable to locate in the normal course of business in recent years. Any North American common stockholders who have not received either the interim or final distributions of Union common stock or cash in lieu of fractional shares thereof will have eight years within which to claim the same and at the end of such time all their rights will terminate and such undistributed shares, together with dividends thereon, and undistributed cash in lieu of fractional shares will vest in Union.

The plan further provides that North American will pay such reasonable fees and remuneration for services rendered in connection therewith as the Commission may approve within the scope of its jurisdiction under section 11 (e) of the act.

Consummation of the plan is conditioned, among other things, on North American having first obtained such rulings and closing agreements of the United States Treasury Department as to taxes involved therein as the Board of Directors of North American deems appropriate. The plan is also subject to approval by a District Court of the United States having jurisdiction with respect thereto.

II. The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the act, the corporate structure of the holding company system of North American, the relationship among the companies in such system and the character of their interests and properties, to determine the extent to which the continued existence of North American in such system unduly or unnecessarily complicates the structure of such system; and the Commission also having considered various proceedings under the act which concerned North American and its subsidiaries and certain representations and commitments made by North American; and said examination having disclosed data establishing or tending to establish the following:

III. 1. North American is a corporation organized in 1890 under the laws of the State of New Jersey.

2. The companies presently comprising the North American system, the percentage of voting control held, and the type of business in which each company is engaged are as shown in Table I below:

TABLE I

Companies	Percentage of voting power held by immediate parent	Type of business
The North American Co.	----------	Holding company.
Union Electric Co., of Missouri	98.55	Holding company, electric utility and heating company.
Union Electric Power Co.	100.00	Electric and gas utility company.
Union Colliery Co.	100.00	Coal company.
St. Louis & Belleville Electric Ry. Co.	100.00	Electric railway company.
Geyer Realty Co.	100.00	Inactive land company.
Poplar Ridge Coal Co.	100.00	Coal company.
Missouri Power & Light Co.	96.15	Electric and gas utility, heating, water and ice company.
Electric Energy, Inc.	40.00	Electric utility.
60 Broadway Building Corp.	100.00	Real estate company.
North American Utility Securities Corp.	80.62	Investment company.
Hevi-Duty Electric Co.	96.00	Electric furnace construction.
North American Light & Power Co.	100.00	In process of liquidation.

3. In addition to the securities of the companies shown in Table I above, North American also holds 500 shares of preferred stock, $1,000 par value, of Muzak Corporation, together with an interest in a royalty agreement with that company and 1,173 shares of common stock of The Detroit Edison Company.

4. North American's capitalization consists solely of common stock. At December 31, 1951, it had current assets consisting almost entirely of cash and United States Government securities aggregating $7,532,412 and current liabilities in the amount of $3,442,002.

5. North American is required by the terms of the Commission's order, dated April 14, 1942, as subsequently modified, entered pursuant to section 11 (b) (1) of the act, to dispose of all of its direct and indirect interest in the business, properties and securities of the companies set forth in Paragraphs 2 and 3 above, except Union and its subsidiaries, 60 Broadway Building Corporation, and its investment in Muzak Corporation. The Commission has not passed upon the retainability in the North American system of (a) the gas properties in the Union system, or of (b) 60 Broadway Building Corporation, or of (c) North American's investment in Muzak Corporation.

6. At December 31, 1951 North American carried its investments in the companies specified in Table I and Paragraph 3 of this Part III as follows:

Union	$92,901,432
60 Broadway Building Corp.	1,922,639
North American Utility Securities Corp.	1,703,757
Hevi-Duty Electric Co.	1
Muzak Corp.	5,074,545
Detroit Eidosn Co.	27,196
North American Light & Power Co	1

7. Union is the only directly held public utility subsidiary of North American.

8. Union, a Missouri Corporation, is a registered holding company as well as a public utility company engaged in the generation, transmission, and distribution of electricity.

9. At December 31, 1951, Union and its subsidiaries, exclusive of Electric Energy, Inc., had consolidated assets in the amount of $369,302,025, and for the twelve months period ending December 31, 1951, had consolidated operating revenues in the amount of $84,517,215 and consolidated net income in the amount of $13,745,347.

10. The consolidated capitalization and surplus of Union at December 31, 1951, was as follows:

	Amount	Percent
Long term debt:		
Union Electric:		
First mortgage and collateral trust bonds:		
3¾ percent series, due 1971	$90,000,000	26.9
2¾ percent series, due 1975	13,000,000	3.9
2⅞ percent series, due 1980	25,000,000	7.5
3 percent debentures, due 1968	25,000,000	7.5
Missouri Power & Light Co.: First mortgage bonds:		
2¾ percent series, due 1976	7,500,000	2.2
2¾ percent series, due 1979	2,000,000	.6
3⅛ percent series, due 1981	4,000,000	1.2
Poplar Ridge Coal Co.: 3 percent bank notes, payable in installments to Dec. 31, 1956	320,000	.1
Total	166,820,000	49.9
Preferred stocks:		
Union Electric:		
$4.50 series, 213,597 shares outstanding	21,359,700	6.5
$4.00 series, 150,000 shares outstanding	15,000,000	4.4
$3.70 series, 40,000 shares outstanding	4,000,000	1.2
$3.50 series, 130,000 shares outstanding	13,000,000	3.9
Missouri Power & Light Co.:		
4.30 percent series, 20,000 shares outstanding	2,000,000	.6
3.90 percent series, 40,000 shares outstanding	4,000,000	1.2
Total	59,359,700	17.8
Premium on preferred stocks	1,554,755	.5
Common stock equity:		
Common stock without par value, 11,450,000 shares outstanding	88,000,000	26.3
Capital surplus	3,293,963	1.0
Earned surplus	15,196,398	4.5
Total	106,490,361	31.8
Total capitalization and surplus	334,224,816	100.0

11. North American's income from its investments for the twelve months ended December 31, 1951, amounted to $11,504,380 of which $11,450,684 was received from Union.

12. The expenses of North American for the twelve months period ending December 31, 1951, were as follows:

Provision for taxes	$763,125
Salaries	426,791
Legal service	36,325
Rentals	41,450
Other expenses	215,776
	1,483,466

13. On December 28, 1950, in authorizing the transfer by North American of all the common stock of Missouri Power & Light Company to Union this Commission stated as follows:

> The consummation of the proposed transactions herein involved will result in North American being a holding company with Union as its sole direct utility subsidiary. We have previously indicated that under such circumstances the continued existence of North American as a holding company would constitute of itself an undue and unnecessary complexity in violation of the standards of section 11 (b) (2) of the act. In this connection, North American has filed a statement herein stating:
>
> North American does not intend to continue its existence as a holding company over Union alone. The transaction proposed herein is a necessary preliminary step to a program for elimination of North American as a holding company.
>
> We construe this language to mean that following the transfer of Missouri to Union, North American will take appropriate steps to cease to be a holding company and that although its program in this connection has not been made definitive, the present proposal is intended as a preliminary step to that end.

IV. It appearing to the Commission that the matters set forth in Parts I and III hereof indicate or tend to indicate that the continued existence of North American unduly and unnecessarily complicates the corporate structure of the holding company system of which North American is a part; and that proceedings should be instituted pursuant to section 11 (b) (2) of the act directed to North American; and

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find, after notice and opportunity for hearing, that the plan as submitted, or as thereafter amended, is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held upon the plan submitted by North American, to afford all interested persons an opportunity to be heard with respect thereto; and

It also appearing to the Commission that common questions of law and fact are involved in the proceedings instituted herein, pursuant to section 11 (b) (2), and in the proceedings upon the application and plan filed by North American pursuant to section 11 (e); that evidence offered in respect of each of said proceedings may have a bearing on the other; and that substantial savings in time, effort and expenses will result if said proceedings are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other:

It is ordered, That proceedings be, and the same hereby are, instituted pursuant to section 11 (b) (2) of the act, identified by Commission File No. 59-95, directed to North American. North American shall file with the Secretary of the Commission on or before fifteen days prior to the date hereinafter fixed for hearing, its answer in the form prescribed by Rule U-25 promulgated under the act, admitting, denying, or otherwise explaining its position as to each of the allegations set forth in Part III hereof.

It is further ordered, That the proceedings instituted by the Commission directed to North American under File No. 59-95 be, and the same hereby are, consolidated with the proceedings upon said application and plan of North American summarized in Part I hereof and identified by Commission File No. 54-205.

It is further ordered, That a hearing on said matters so consolidated be held on the 18th day of June 1952, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held.

It is further ordered, That Edward C. Johnson or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with these consolidated proceedings or proposing to intervene herein shall file with the Secretary of this Commission, not later than June 16, 1952, his request or application therefor, as prescribed by Rule XVII of the Commission's rules of practice. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting to be heard or to intervene, which of the allegations set forth in Part III hereof and the issues specified below the applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to these consolidated proceedings.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the plan and the allegations set forth in Part III hereof, and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the continued existence of North American unduly and unnecessarily complicates the corporate structure of the holding company system of which it is a part;

2. Whether the proposed plan, as submitted or as it may hereafter be amended, is necessary to effectuate the provisions of section 11 (b) of the act;

3. Whether the proposed plan, as submitted or as it may hereafter be amended, is fair and equitable to the persons affected thereby;

4. Whether the securities proposed to be issued under the plan meet the applicable statutory standards;

5. Whether and to what extent the plan, as submitted or as it may hereafter be amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interest of investors and consumers, and to prevent the circumvention of the act and rules and regulations thereunder;

6. Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles;

7. Whether the fees, expenses, or other remuneration to be paid by North American Company and Union in connection with the proposed transactions are for necessary services and are reasonable in amount; and whether the plan should be modified to include provision for the payment of such fees and expenses in connection with said plan, or related antecedent proceedings of North American under section 11 (e) of the act, as the Commission may determine, award, allow or allocate;

8. Generally, whether the transactions proposed in such plan comply with the requirements of the applicable provisions of the act and rules promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice and order by registered mail to North American, Union, the Mayors of the City of St. Louis, Missouri and the City of East St. Louis, Illinois, the Federal Power Commission, the Public Service Commission of the State of Missouri, and the Illinois Commerce Commission; and that notice of said hearing be given to all other persons by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the act and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That North American shall give notice of this hearing to all of its stockholders (insofar as the identity of such stockholders is known or available to it) by mailing to each of said persons at his last known address, at least 15 days before the date set for hearing, a copy of this notice and order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5165; Filed, May 8, 1952; 8:45 a. m.]

[File No. 70-2840]

WORCESTER COUNTY ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS

MAY 5, 1952.

Worcester County Electric Company ("Worcester County"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-42 (b) (2), and U-50 promulgated thereunder, with respect to the following transactions:

Worcester County proposes to issue and sell $4,000,000 principal amount of First Mortgage Bonds, Series C, to be dated May 1, 1952 and to mature May 1, 1982. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to Worcester County (which will not be less than 100 percent nor more than 102.75 percent of the principal amount) are to be determined at competitive bidding pursuant to Rule U-50. Worcester County proposes to issue the bonds under its First Mortgage Indenture and Deed of Trust dated July 1, 1949, as amended and supplemented by a First Supplemental Indenture dated as of March 1, 1951, and a Second Supplemental Indenture dated as of May 1, 1952. Said Series C bonds will be secured equally and ratably with the presently outstanding Series A and Series B bonds on all properties now owned or hereafter acquired by Worcester County, with certain limited exceptions.

The application states that the proceeds from the sale of said Series C bonds (exclusive of accrued interest, and the expenses of issuance estimated at $60,000) will be applied by Worcester County to the payment of its unsecured promissory notes outstanding on March 26, 1952 in the aggregate amount of $3,600,000 and bearing interest at from 2¾ percent to 3 percent per annum, and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse its treasury therefor.

The issue and sale of said bonds having been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts, the state commission of the State in which Worcester County is organized and doing business;

Worcester County having requested that the period for the invitation of the bids, as prescribed by Rule U-50 under the act, be shortened to not less than six days and that the Commission's order herein become effective upon issuance; and

The Commission finding that said application, as amended, satisfies the applicable provisions of the act and the rules thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted and deeming it appropriate in the public interest and in the interest of investors and consumers that its order herein become effective forthwith, all subject to the terms and conditions specified below:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application, as amended, be, and the same hereby is, granted, effective forthwith, and that for the purposes of this proceeding the ten-day period for the invitation of bids, as prescribed by Rule U-50, be, and the same hereby is, shortened to a period of not less than six days, all subject, however, to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed issue and sale of said bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order entered by this Commission on the basis of the record so supplemented, which order may contain such terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

(2) That jurisdiction be reserved with respect to the payment of all legal, engineering, accounting and auditing fees and expenses in connection with the proposed transactions, including fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5167; Filed, May 8, 1952; 8:46 a. m.]

[File No. 70-2859]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

MAY 5, 1952.

Notice is hereby given that a joint application has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Cumberland and Allegheny Gas Company ("Cumberland"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cumberland proposes to issue and sell and Columbia proposes to acquire 8,000 shares of common stock, par value $25 per share ($200,000), and a maximum of $1,500,000 principal amount of 3⅝ percent Installment Promissory Notes. Cumberland represents that the proceeds in the amount of $1,700,000 to be derived from Columbia would be used to finance, in part, its 1952 construction program estimated to cost $2,920,564. Columbia states that it would first purchase common stock at par, when and as funds are required up to a maximum amount of 8,000 shares, and thereafter it would purchase 3⅝ percent Notes of Cumberland, as funds are needed, up to a maximum principal amount of $1,500,000. It is further stated that Cumberland would not issue or sell any such common stock or 3⅝ percent Notes subsequent to March 31, 1953.

In addition, it is proposed that Cumberland's outstanding 2¾ percent open account loans in the principal amount of $2,400,000, owing to Columbia and re-

payable on June 1, 1952, be funded into long-term securities. Cumberland proposes to issue and Columbia proposes to acquire, at par, 76,000 shares of common stock, par value $25 per share ($1,900,000), and $500,000 principal amount of 3⅝ percent Notes as payment and liquidation of the aforementioned open account loans.

The 3⅝ percent Notes to be issued by Cumberland would be registered and the principal amounts thereof would be payable in 25 equal annual installments on February 15, of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said Notes will be payable semi-annually on February 15 and August 15.

The issuance and sale of the common stock and Notes by Cumberland are stated to be subject to the jurisdiction of the Public Service Commission of the State of West Virginia.

Notice is further given that any interested person may, not later than May 19, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 19, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5163; Filed, May 8, 1952; 8:45 a. m.]

[File No. 70-2861]

COLUMBIA GAS SYSTEM, INC., AND THE OHIO FUEL GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

MAY 5, 1952.

Notice is hereby given that a joint application has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and The Ohio Fuel Gas Company ("Ohio Fuel"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Ohio Fuel proposes to issue and sell and Columbia proposes to acquire 117,843 shares of common stock, par value $45 per share ($5,302,935), and a maximum of $14,697,065 principal amount of 3⅝ percent Installment Promissory Notes. Ohio Fuel represents that the proceeds in the amount of $20,000,000 to be derived from the sale of securities would be used to finance, in part, its 1952 construction program estimated to cost $20,764,543 and the purchase of "cushion" gas in connection with its gas storage program in the estimated amount of $1,600,000. Columbia states that it would first purchase common stock, at par, when and as funds are required up to a maximum amount of 117,843 shares, and thereafter it would purchase 3⅝ percent Notes of Ohio Fuel, as funds are needed, up to a maximum principal amount of $14,697,065. It is further stated that Ohio Fuel would not issue or sell any such common stock or 3⅝ percent Notes subsequent to March 31, 1953.

In addition, it is proposed that Ohio Fuel's outstanding 2¾ percent open account loans in the principal amount of $8,500,000 owing to Columbia and repayable on June 1, 1952, be funded into long-term securities. Ohio Fuel proposes to issue and Columbia proposes to acquire, at par, $8,500,000 principal amount of 3⅝ percent Notes as payment and liquidation of the aforementioned open account loans.

The 3⅝ percent Notes to be issued by Ohio Fuel would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said Notes will be payable semi-annually on February 15 and August 15.

It is stated that the issuance and sale of the common stock and Notes by Ohio Fuel are subject to the jurisdiction of the Public Utilities Commission of the State of Ohio.

Notice is further given that any interested person may, not later than May 20, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secetary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 20, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5164; Filed, May 8, 1952; 8:45 a. m.]

[File No. 812-774]

GRAHAM-PAIGE CORP., AND BALDWIN SECURITIES CORP.

ORDER OF DISCONTINUANCE

MAY 2, 1952.

Graham-Paige Corporation (Applicant), a registered investment company, having filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting from the provisions of section 12 (d) (1) of the act the acquisition by Applicant from Westinghouse Electric Corporation of 515,000 shares of the common stock of Baldwin Securities Corporation, a registered investment company;

The Commission having by order dated April 2, 1952, set the matter for hearing on April 16, 1952; the hearing having been convened and thereafter from time to time continued and being presently continued to an indefinite date subject to call;

Applicant having by letter dated April 30, 1952, and received on May 1, 1952, requested permission to withdraw the application;

The Commission hereby consents to such withdrawals; and

It is ordered, That the proceedings on said application be and the same are hereby discontinued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5168; Filed, May 8, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18867]

WILHELM BORN

In re: Estate of Wilhelm Born, a/k/a William Born, and William Karl Born, deceased. D 28-13081.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.), and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Albert Born, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wilhelm Born, a/k/a William Born and William Karl Born, deceased, which is in the process of administration by Hyman Wank, Public Administrator of Kings County, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County,

New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Albert Born, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5150; Filed, May 7, 1952; 8:51 a. m.]

[Vesting Order 18869]

ANNELIESE KARRER

In re: Stock owned by Anneliese Karrer. F-28-31865-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anneliese Karrer, whose last known address is Batteriestrasse 11, Flensburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value Class A, common capital stock of Arkansas Natural Gas Corporation, Shreveport, Louisiana, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered TNY063811, registered in the name of Anneliese Karrer, and presently in the custody of Mr. John R. Hale, 6140 Transit Road, Depew, New York, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anneliese Karrer the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5152; Filed, May 7, 1952; 8:51 a. m.]

[Vesting Order 18870]

CARL LANG

In re: Estate of Carl Lang, a/k/a Carl G. Lang and Carl George Lang, deceased. File No. D 28-11497.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 7948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Kunegung Lang, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and prior to January 1, 1947, was a national of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Carl Lang, also known as Carl G. Lang and Carl George Lang, deceased, which is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such a person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5153; Filed, May 7, 1952; 8:51 a. m.]

IDA VIOLA AND ANTONIO GIUSEPPE ALBANESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ida Viola Albanese, a/k/a Esterina (Estherina) Albanese, Fabrizia, Catanzaro, Italy; Antonio Giuseppe Albanese, a/k/a Pepino (Pappino) Albanese, Fabrizia, Catanzaro, Italy; Claim No. 42431; $884.51 in the Treasury of the United States, one-half thereof returnable to each claimant.

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5196; Filed, May 8, 1952; 8:48 a. m.]

DR. MARIO MAZZUCCHI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Dr. Mario Mazzucchi, Inverigo (Como), Italy; Claims Nos. 6534 and 37313; $21,900.00 cash in the Treasury of the United States. Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,989,014. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Mario Mazzucchi by virtue of an agreement dated March 14, 1933 (including all modifications thereof and supplements thereto, including, but without limitation, an amendment dated December 6, 1938) by and between Dr. Mario Mazzucchi and Lederle Laboratories, Inc., relating, among other things, to United States Patent No. 1,989,014, to the extent that such interests and rights were owned by Dr. Mario Mazzucchi immediately prior to vesting by Vesting Order No. 2618 (8 F. R. 17242, December 22, 1943).

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5197; Filed, May 8, 1952; 8:49 a. m.]

SOCIETE FRANCAISE DE FILETAGE INDESSERRABLE "D. D. G."

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Francaise de Filetage Indesserrable "D. D. G.", Paris, France; Claims No. 32506; $3,162.88 cash in the Treasury of the United States. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Francaise de Filetage Indesserrable D. D. G. by virtue of an agreement dated June 26, 1928 by and between Societe Francaise de Filetage Indesserrable D. D. G. and Dardelet Threadlock Corporation (including all modifications of and supplements to such agreement, including, but without limitation, seven memoranda dated October 23, 1928 from Dardelet Threadlock Corporation to Societe Francaise de Filetage Indesserrable D. D. G. and accepted by the latter company, and two supplemental agreements executed by Dardelet Threadlock Corporation and Societe Francaise de Filetage Indesserrable D. D. G. dated December 6, 1935 and October 3, 1939, respectively) which agreement, as modified and supplemented, relates, among other things, to certain United States Letters Patent, including Patent No. 1,657,244, to the extent that such interests and rights were owned by Societe Francaise de Filetage Indesserrable D. D. G. immediatley prior to vesting by Vesting Order No. 3177 (9 F. R. 2709, March 10, 1944).

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5199; Filed, May 8, 1952; 8:49 a. m.]

HERBERT JUSTUS AND HEDWIG GROOTKERK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herbert (Herman) Justus, Amsterdam, Netherlands; claim No. 31141; $1,261.18 in the Treasury of the United States.

Hedwig Grootkerk nee Justus, Amsterdam, Netherlands; Claim No. 31141; $1,261.15 in the Treasury of the United States.

All right, title and interest of Herbert (Herman) Justus and Hedwig Grootkerk nee Justus in and to the trust under the Will of David Wild, deceased.

Executed at Washington, D. C., on May 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5198; Filed, May 8, 1952; 8:49 a. m.]

MRS. ANGELINA D'ANNA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. Angelina D'Anna, Trabia Province, Palermo, Sicily; Claim No. 26634; $326.29 in the Treasury of the United States.

Executed at Washington, D. C., on May 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5200; Filed, May 8, 1952; 8:49 a. m.]

JOSEPH FRANCOIS CHRISTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Francois Christe, Suresnes, Seine, France; Claim No. 36864; property described in Vesting Order No. 2439 (8 F. R. 16331, December 4, 1943), relating to an undivided one-half interest in United States Letters Patent No. 2,104,532.

Executed at Washington, D. C., on May 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5201; Filed, May 8, 1952; 8:49 a. m.]

CARL AUGUST JUUL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Carl August Juul, a/k/a Carl August Yuul, Copenhagen, Denmark; Claim No. 44634; $309.89 in the Treasury of the United States.

Executed at Washington, D. C., on May 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5204; Filed, May 8, 1952; 8:50 a. m.]

ANDREA FLOCCHINI AND SEVERINO FERRARI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Andrea Flocchini, Avenone, Italy; Severino Ferrari, Administrator of the Estate of Abele Flocchini, deceased, Guadalupe, Calif.; Claim No. 45527; $7,813.95 in the Treasury of the United States in equal shares to the claimants.

To each of the claimants an undivided one-half of the following real property situate, lying and being in the Town of Guadalupe, County of Santa Barbara, State of California, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property: Lots Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18) in Block Twenty-three (23), according to the Map of the Town of Guadalupe and subdivisions 143 and 145 of the Rancho Guadalupe recorded on Rack 1, Map No. 1 of the Records of Santa Barbara County.

Executed at Washington, D. C., on May 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5203; Filed, May 8, 1952; 8:50 a. m.]

BRUNO COSSALTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Bruno Cossalter, Feltre, Italy, Claim No. 40769; property described in Vesting Order No. 2439 (8 F. R. 16331, December 4, 1943), relating to an undivided one-fourth interest in United States Letters Patent No. 2,104,532.

Executed at Washington, D. C., on May 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-5202; Filed, May 8, 1952; 8:50 a. m.]